

# In the United States Court of Federal Claims

No. 22-1346C

(Filed: August 23, 2023)

**NOT FOR PUBLICATION**

\*\*\*\*\*

GARY L. SWANSON, \*

\*

Plaintiff, \*

\*

v. \*

\*

THE UNITED STATES, \*

\*

Defendant. \*

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## **OPINION AND ORDER**

Plaintiff Gary L. Swanson, proceeding *pro se*, seeks money damages from the United States. This Court dismissed Plaintiff's complaint with leave to amend. *See* Order (ECF 17). Plaintiff has filed a motion to amend, *see* Motion to Amend (ECF 19), and the government has filed a response, *see* Response (ECF 20).

Plaintiff's motion to amend, like the original complaint, is premised on the theory that the Tucker Act permits him to challenge "mismanagement" of federal, state, and private entities. But as I explained in dismissing Plaintiff's original complaint, claims for money in this Court are generally premised on (1) contracts between the plaintiff and the United States or (2) laws or constitutional provisions that require the United States to pay money to the plaintiff. *Fisher v. United States*, 402 F.3d 1167, 1172 (Fed. Cir. 2005) (citing 28 U.S.C. § 1491(a)(1)). This Court cannot hear claims against defendants other than the United States, and it cannot review the decisions of other courts. *Jones v. United States*, 440 F. App'x 916, 918 (Fed. Cir. 2011); *see also Joshua v. United States*, 17 F.3d 378, 380 (Fed. Cir. 1994). Tort claims are outside this Court's jurisdiction as well. 28 U.S.C. § 1491(a)(1).

Those principles dispose of Plaintiff's motion to amend. Claims against entities other than the United States, or based on the actions of other courts, can be dismissed out of hand. *See* Motion to Amend at 2–3. Plaintiff cites no contract or law requiring any payment of money to Plaintiff. He is mistaken that this Court reviews the acts of federal agencies for "mismanagement," let alone that the Court can order the United States to pay incidental damages on that basis. To the extent his claims are grounded

in any legal theory, they sound in tort. *See id.* at 6–7; *see also Tort, Black’s Law Dictionary* (11th ed. 2019).

The motion to amend is **DENIED**. Because Plaintiff has not pleaded a claim within this Court’s jurisdiction despite leave to amend, the case is **DISMISSED**. *See* RCFC 12(b)(1), 12(h)(3).

The Clerk is directed to enter judgment accordingly.

**IT IS SO ORDERED.**

s/ Stephen S. Schwartz  
STEPHEN S. SCHWARTZ  
Judge